

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

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FM AMEMBASSY ROME

TO SECSTATE WASHDC 2268

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E.O. 11652: N/A

TAGS: EALR, IT

SUBJECT: CIVAIR - US CARRIERS FIFTH FREEDOM CHARTER OPERA-
 TIONS IN ITALY

REF: ROME 9697

1. CAPITOL APPEALED CIVILAVIA DENIAL OF JULY 20 VENICE-TOR-
ONTO RETURN CHARTER TO OFFICE OF MINISTER OF TRANSPORT MAR-
TINELLI, WHICH DIRECTED CIVILAVIA AUTHORIZE CAPITOL APPLICA-
TION. APPEAL WAS BASED ON LATE DATE AT WHICH CIVILAVIA ACTED,
NOT THAT ALITALIA SHOULD NOT HAVE RIGHT OF FIRST REFUSAL.
MINISTER'S OFFICE AGREED THAT ALITALIA SHOULD EXERCISE THIS
OPTION WITHIN REASONABLE TIME, NOT AT LAST MINUTE. EMBASSY
HAD TO APPROACH CIVILAVIA, AFTER MINISTRY APPROVED CHARTER,
BEFORE CIVILAVIA DIRECTOR AIR TRANSPORT SERVICES SITAJOLO
WOULD SIGN NECESSARY PAPERS.

2. THERE HAVE BEEN PREVIOUS CASES IN WHICH ALITALIA DECIDED
ONLY AT LAST MINUTE TO OPERATE THE CHARTER, LONG AFTER CON-
TRACT SIGNED AND ALL ARRANGEMENTS MADE BY TOUR OPERATOR AND
US SUPPLEMENTAL CARRIER. EMBASSY THEREFORE CONSIDERING FOR-
MAL APPROACH THROUGH MINISTRY FOREIGN AFFAIRS (MFA) FOR AN
AGREEMENT WHICH WOULD REQUIRE CIVAIR AUTHORITIES, WITHIN TEN
DAYS AFTER SUBMISSION OF APPLICATION, TO APPROVE IN PRINCIPLE,
SUBJECT TO SUBMISSION ALL DOCUMENTATION NOT LESS THAN THIRTY
DAYS PRIOR TO FLIGHT, OR DISAPPROVE THE APPLICATION.

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3. AT PRESENT CIVILAVIA DOES NOTHING UNTIL FINAL, COMPLETE DOCUMENTATION FILED THIRTY DAYS PRIOR TO FLIGHT. LATER REFUSAL BY CIVILAVIA LEAVES US CARRIER WITH (SOMETIMES SUBSTANTIAL) UNCOVERED EXPENSES, SINCE DEPOSIT MUST BE REFUNDED IN FULL TO CHARTERER, AND WITH AN AIRCRAFT WHICH IS DIFFICULT IF NOT IMPOSSIBLE TO REPROGRAM ON SUCH SHORT NOTICE.

4. GIVEN ALITALIA ATTITUDE TOWARD FIFTH FREEDOM CHARTERS (REFTEL), US CARRIERS PROCEED TO ARRANGE FIFTH FREEDOM CHARTERS FROM ITALY ONLY IN CASES WHERE ALITALIA INDICATES IT HAS NO SUITABLE AIRCRAFT AVAILABLE. REQUIRING CIVILAVIA ACTION WELL IN ADVANCE OF FLIGHT WOULD FORCE ALITALIA TO PLAN AIRCRAFT UTILIZATION IN MORE CAREFUL MANNER, BUT SHOULD IMPOSE NO UNDUE HARDSHIP. US AND ITALIAN CARRIERS WOULD THUS BE IN SIMILAR POSITIONS RE ADVANCE PLANNING FOR AIRCRAFT UTILIZATION.

5. MFA WOULD UNDOUBTEDLY INSIST ON RECIPROCAL COMMITMENT ON PART OF US CIVIL AVIATION AUTHORITIES.

6. ACTION REQUESTED. PLEASE INFORM EMBASSY WHETHER WASHINGTON AGENCIES WOULD LIKE EMBASSY TO BEGIN NEGOTIATIONS FOR AGREEMENT OF TYPE SUGGESTED IN PARA (2) ABOVE, AND, IF SO, WHETHER COMMITMENT CAN BE RECIPROCAL. VOLPE

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